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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,203	02/11/2004	Yasumichi Kuwayama	Q79676	1641
23373	7590	06/08/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NGUYEN, CHAU N	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,203

Applicant(s)

KUWAYAMA ET AL.

Examiner

Chau N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (JP7-161392) in view of Livshiz et al. (2001/0016459).

Kobayashi discloses a structure for waterproofing a terminal-wire connecting portion comprising a wire including a conductor portion and an insulating sheath, and a terminal including a substantially cylindrical wire connection portion (11), wherein the conductor portion and the insulating sheath are inserted in the wire connection portion, and the wire connection portion is press radially (Figures 1a and 1b) so that the conductor portion and the insulating sheath are held in intimate contact with an inner peripheral surface of the wire connection and

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the diameter of the wire connection portion is uniformly reduced over an entire length of the wire connection (Fig. 1b).

Although Figure 1b of Kobayashi shows the wire connection being pressed radially, Kobayashi does not specifically disclose the wire connection portion being pressed over an entire periphery and over an entire length. Livshiz et al. discloses a structure comprising a wire connection portion (55) which is being pressed radially over an entire periphery and over an entire length ([0085]). It would have been obvious to one skilled in the art to press the wire connection portion of Kobayashi over an entire periphery and an entire length as taught by Livshiz et al. to ensure the connection between the wire and the connection portion.

The modified structure of Kobayashi also discloses the wire connection including a smaller-diameter insertion hole for the conductor portion and a larger-diameter insertion hole for the insulating sheath, the smaller-diameter and larger-diameter insertion holes being disposed in coaxial relation to each other (re claim 2). Claims 5 and 6 are method counterparts of claims 1 and 2.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Livshiz et al. as applied to claim 5 above, and further in view of Ikeno et al. (5,045,527).

Claim 9 additionally recites the pressing being effected by a rotary swaging machine. Ikeno et al. discloses an invention relating to pressing a cylindrical portion radially uniformly to reduce the diameter of the portion, wherein the pressing is effected by a rotary swaging machine. It would have been obvious to one skilled in the art to use rotary swaging machine to radially uniformly compress the wire connection portion of Kobayashi since rotary swaging machine is

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one of well-known methods to provide a smooth, diameter-reduced and uniform wire as taught by Ikeno et al.

Response to Arguments

5. Applicant's arguments filed April 21st 2005 have been fully considered but they are not persuasive.

Regarding the Kobayashi reference, applicant argues that the examiner alleges that Kobayashi discloses a wire connection portion that is uniformly reduced over an entire length of the connection. Regarding the Livshiz reference, applicant states that the apparatus 40 of Livshiz cannot press a wire connection portion so that its diameter uniformly reduced over an entire periphery and an entire length because the shape of the forming coil 46 is a non-uniform shape. These arguments are not found persuasive. The Office Action does not state that Kobayashi discloses a wire connection portion that is uniformly reduced over an entire length, instead the Office Action states that Livshiz et al. discloses a structure comprising a wire connection portion (55) which is being pressed radially over an entire periphery and over an entire length ([0085]). Therefore, it would have been obvious to one skilled in the art to press the wire connection portion of Kobayashi over an entire periphery and an entire length as taught by Livshiz et al. to ensure the connection between the wire and the connection portion. As disclosed by Livshiz, see the paragraph [0084] and [0085], the width of coil 46 determines the length of a workpiece, and the cylindrical portion 55 of cable lug 53 is entirely within lumen 50. Accordingly, Livshiz does disclose compressing a wire connection portion over an entire periphery and entire length.

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In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to do so is found in the references themselves. Specifically, Livshiz discloses that by compressing the wire connection over entire periphery and entire length would firmly join the wire and connection portion together.

Summary

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chau N Nguyen
Primary Examiner
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